

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL,

Plaintiff,

No. CIV S-01-1979 FCD KJM P

vs.

SAM BESS, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. Plaintiff filed a motion to compel discovery on June 21, 2004, which the court denied as untimely on March 30, 2005. With their opposition to the motion, defendants filed documents under seal. The California Department of Corrections (CDC) also opposed plaintiff's motion and included sealed documents with its opposition.<sup>1</sup> The Court has not had reason to view the sealed documents in making its determinations with regard to the timeliness of plaintiff's motion to compel. There does not appear to be any reason for the documents to remain in the possession of the Court, let alone under seal.

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<sup>1</sup> Even though no request to seal was filed by defendants or the CDC as required by the Local Rules, the documents appear on the Court's docket as sealed. Local Rule 39-141.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Unless counsel for defendants, or counsel for the California Department of  
3 Corrections files a written objection within ten days of this order, the Clerk of the Court is  
4 directed to destroy the documents filed under seal on July 14, 2004, August 13, 2004 and August  
5 19, 2004, and note on the Court's docket that the documents have not been considered by the  
6 Court.

7 2. The Clerk of the Court is directed to serve a copy of this order upon Jeri L.  
8 Pappone, Longyear O'Dea & Lavra, 3620 American River Drive, Suite 230, Sacramento, CA,  
9 95864-5923.

10 DATED: June 27, 2005.

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13 UNITED STATES MAGISTRATE JUDGE  
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chap1979.sel  
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